

**UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
PLAINTIFF,)	
)	Case No. 4:17-cv-03068-MDN
v.)	
)	
HERITAGE BANK, a Nebraska Bank)	
)	
DEFENDANT.)	

**NOTICE OF DEFENDANT’S RULE 68 OFFER OF JUDGMENT AND
PLAINTIFF’S ACCEPTANCE OF DEFENDANT’S RULE 68 OFFER OF JUDGMENT**

Pursuant to Fed. R. Civ. P. 68(a), the undersigned notifies this Court that the Defendant offered judgment on specified terms and the Plaintiff has accepted the offer.

1. On June 12, 2017, Plaintiff Equal Employment Opportunity Commission filed a one count Complaint under the Equal Pay Act of 1963 (EPA), 29 U.S.C. § 206(d) against Defendant Heritage Bank, a Nebraska Bank. Doc. # 1.

2. The Commission alleged that Heritage Bank illegally paid Christine Schwieger less than men for a job with the same required skill, effort, responsibility, and working conditions. *Id.*

3. On June 27, 2017. Defendant waived service of summons pursuant to Fed. R. Civ. P. 4(d). Doc. # 3.

4. The Parties have consented to the exercise of jurisdiction by a United States Magistrate Judge. July 7, 2017.

5. On July 3, 2017, after good faith negotiations and with a desire to resolve the instant controversy without the expense, delay and burden of further litigation, Heritage Bank served the Commission, with an offer to allow judgment to be taken by Commission on specified terms pursuant to Fed. R. Civ. P. 68 (a). The offer is attached at **Ex. A**.

6. As the offer notes, Heritage Bank admits that this Court “has jurisdiction over the Parties and the subject matter of this action” and that “[v]enue is appropriate.” *Id.* at ¶¶ 1-2.

7. On July 6, 2017, the Commission served written notice to Heritage Bank accepting its offer, pursuant to Fed. R. Civ. P. 68 (a). The acceptance is attached at **Ex. B**.

8. A Consent Motion for Entry of an Agreed upon Judgment and Order with the terms specified is being filed forthwith (with the proposed Judgment and Ordering emailed to Chambers).

Respectfully submitted,

s/ Grant R. Doty

Missouri Bar Number: 60788

Trial Attorney for Plaintiff

EQUAL EMPLOYMENT

OPPORTUNITY COMMISSION

St. Louis District Office

1222 Spruce St., Room 8.100

St. Louis, MO 63103

Telephone: (314) 539-7918

Fax: (314) 539-7895

Email: grant.doty@eeoc.gov

ATTORNEY FOR PLAINTIFF

EQUAL EMPLOYMENT OPPORTUNITY

COMMISSION

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served by operation of the Court CM/ECF system on July 7, 2017 and by first class mail and email on:

David J. Routh
CLINE WILLIAMS WRIGHT JOHNSON & OLDFATHER LLP
233 South 13th Street
1900 U.S. Bank Building
Lincoln, NE 68508-2095

Email: drouth@clnewilliams.com

/s/ Grant R. Doty